

THURSDAY, JANUARY 13, 2011

THIRD ORGANIZATIONAL DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Reverend Venerria B. Smith of New Cedar Missionary Baptist Church in Nashville, Tennessee, a guest of Senator Harper.

PLEDGE OF ALLEGIANCE

Senator Harper led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

COMMUNICATION

January 13, 2011

Hon. Ron Ramsey
Speaker and Lt. Governor
One Legislative Plaza
Nashville, Tennessee

Dear Speaker Ramsey:

Please excuse my absence today from Session due to the fact that I had to unexpectedly be available to handle a personal situation with my wife's care.

Very truly yours,

/s/ Douglas Henry

APPROVED: Lieutenant Governor
Ron Ramsey

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 24 through 30** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 24 by Senator Johnson.

Taxes, Sales -- As introduced, extends limited sales tax refund for certain appliances, furniture, and building supplies purchased in response to May 2010 flood. Amends TCA Section 67-6-396.

Senate Bill No. 25 by Senator Norris.

Local Education Agencies -- As introduced, prescribes certain procedures to govern the abolition of certain special school districts. Amends TCA Title 49, Chapter 2.

Senate Bill No. 26 by Senator Tracy.

Criminal Offenses -- As introduced, elevates assault by an inmate against a correctional officer or jailer from Class A misdemeanor to Class D felony aggravated assault if the assault results in sutures, medical procedure such as MRI or loss of work for day or more and establishes mandatory minimum incarceration of two years. Amends TCA Title 39, Chapter 13, Part 1.

Senate Bill No. 27 by Senator Tracy.

Lottery, Charitable -- As introduced, extends deadline for applications for 2010-2011 annual events for 5 days after effective date of act. Amends TCA Title 3, Chapter 17, Part 1.

Senate Bill No. 28 by Senator Tracy.

Motor Vehicles -- As introduced, authorizes farmers and nursery workers to transport farm machinery and products without having a commercial driver license during times of emergency or disaster. Amends TCA Title 55, Chapter 50, Part 4.

Senate Bill No. 29 by Senator Summerville.

Highway Signs -- As introduced, designates segment of State Route 48 in Dickson County as "Brigadier General Noah Daniel Memorial Highway".

Senate Bill No. 30 by Senator Bell.

Decatur -- As introduced, extends terms of aldermen that expire in April 2011 to November 2012 and terms of aldermen and mayor that expire in April 2013 to November 2014 to coincide town elections with general November election. Amends Chapter 58 of the Private Acts of 2003.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 20 through 23** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that **Senate Bills Nos. 20 through 23** passed second consideration and were held on the Clerk's desk pending the appointment of the appropriate committees.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolution No. 16** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolution was filed for introduction. Pursuant to Rule 21, the resolution lies over.

Senate Joint Resolution No. 16 by Senator Tracy.

Memorials, Congress -- Urges repeal of federal statute prohibiting commercial operations at rest areas on interstate highways built post-1956.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 1 through 5;** and **Senate Joint Resolutions Nos. 11, 13 and 14** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that **House Joint Resolutions Nos. 1 through 5;** and **Senate Joint Resolutions Nos. 11, 13 and 14** passed second consideration and were held on the Clerk's desk pending the appointment of the appropriate committees.

ELECTION OF FISCAL REVIEW COMMITTEE

Mr. Speaker Ramsey declared the election of the Committee on Fiscal Review as authorized by Chapter 7, Title 3, Tennessee Code Annotated, was now in order.

Senator Norris placed in nomination the name of Senator Ketron for a position to the Fiscal Review Committee.

Senator Woodson seconded the nomination of Senator Ketron.

Senator Faulk moved that nominations cease and that Senator Ketron be elected by acclamation, which motion prevailed.

Mr. Speaker Ramsey declared pursuant to T.C.A. § 3-7-101 Senator Ketron duly and legally elected to the Committee on Fiscal Review for the ensuing two years.

Senator Norris placed in nomination the name of Senator Kelsey for a position to the Fiscal Review Committee.

Senator Woodson seconded the nomination of Senator Kelsey.

THURSDAY, JANUARY 13, 2011 -- 3RD ORGANIZATIONAL DAY

Senator Faulk moved that nominations cease and that Senator Kelsey be elected by acclamation, which motion prevailed.

Mr. Speaker Ramsey declared pursuant to T.C.A. § 3-7-101 Senator Kelsey duly and legally elected to the Committee on Fiscal Review for the ensuing two years.

Senator Berke placed in nomination the name of Senator Henry for a position to the Fiscal Review Committee.

Senator Finney seconded the nomination of Senator Henry.

Senator Haynes moved that nominations cease and that Senator Henry be elected by acclamation, which motion prevailed.

Mr. Speaker Ramsey declared pursuant to T.C.A. § 3-7-101 Senator Henry duly and legally elected to the Committee on Fiscal Review for the ensuing two years.

Senator Berke placed in nomination the name of Senator Tate for a position to the Fiscal Review Committee.

Senator Finney seconded the nomination of Senator Tate.

Senator Haynes moved that nominations cease and that Senator Tate be elected by acclamation, which motion prevailed.

Mr. Speaker Ramsey declared pursuant to T.C.A. § 3-7-101 Senator Tate duly and legally elected to the Committee on Fiscal Review for the ensuing two years.

Senator Berke placed in nomination the name of Senator Stewart for a position to the Fiscal Review Committee.

Senator Finney seconded the nomination of Senator Stewart.

Senator Haynes moved that nominations cease and that Senator Stewart be elected by acclamation, which motion prevailed.

Mr. Speaker Ramsey declared pursuant to T.C.A. § 3-7-101 Senator Stewart duly and legally elected to the Committee on Fiscal Review for the ensuing two years.

MOTION

Senator Norris moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 17**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 17 by Senator Norris.

General Assembly, Joint Conventions -- Calls joint convention for purpose of inaugurating Honorable Bill Haslam as governor on Saturday, January 15, 2011; adjourns organizational session and convenes regular session on January 15, 2011; recesses regular session until February 7, 2011.

THURSDAY, JANUARY 13, 2011 -- 3RD ORGANIZATIONAL DAY

On motion of Senator Norris, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 17** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Haynes moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 1**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 1 -- Memorials, Recognition -- Jane Branstetter Stranch.

On motion of Senator Haynes, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1** was concurred in.

A motion to reconsider was tabled.

MOTION

Senator Haynes moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 2**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 2 -- Memorials, Recognition -- C. Dewey Branstetter, Jr.

On motion of Senator Haynes, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 2** was concurred in.

A motion to reconsider was tabled.

MOTION

Senator Haynes moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 3**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 3 -- Memorials, Public Service -- 100th Anniversary of UT Extension and Tennessee 4-H.

On motion of Senator Haynes, the rules were suspended for the immediate consideration of the resolution.

THURSDAY, JANUARY 13, 2011 -- 3RD ORGANIZATIONAL DAY

On motion, **House Joint Resolution No. 3** was concurred in.

A motion to reconsider was tabled.

APPOINTMENTS

Pursuant to Senate Rules 3, 73 and 74, the Speaker announced the appointments for the Senate of the One Hundred Seventh General Assembly:

APPOINTMENT OF SPEAKER PRO TEMPORE

Pursuant to Rule 3, Senator Jamie Woodson of Knox County was appointed Speaker Pro Tempore.

APPOINTMENT OF DEPUTY SPEAKER

Senator Steve Southerland of Cocke County was appointed Deputy Speaker.

COMMERCE, LABOR AND AGRICULTURE

Johnson (R), Chairperson; Faulk (R), Vice Chairperson; Burks (D), Secretary; Beavers (R), Gresham (R), Southerland (R), Stewart (D), Tate (D) and Woodson (R).

EDUCATION

Gresham (R), Chairperson; Tate (D), Vice Chairperson; Kelsey (R), Secretary; Berke (D), Burks (D), Crowe (R), Summerville (R), Tracy (R) and Woodson (R).

ENVIRONMENT, CONSERVATION AND TOURISM

Southerland (R), Chairperson; Johnson (R), Vice Chairperson; Summerville (R), Secretary; Bell (R), Faulk (R), Haile (R), Herron (D), Marrero (D) and Stewart (D).

FINANCE, WAYS AND MEANS

McNally (R), Chairperson; Henry (D), Chair Emeritus and Vice Chairperson; Watson (R), Secretary; Finney (D), Haynes (D), Kelsey (R), Ketron (R), Kyle (D), Norris (R), Overbey (R) and Woodson (R).

GENERAL WELFARE, HEALTH AND HUMAN RESOURCES

Crowe (R), Chairperson; Watson (R), Vice Chairperson; Haile (R), Secretary; Campfield (R), Ford (D), Henry (D), Herron (D), McNally (R) and Overbey (R).

GOVERNMENT OPERATIONS

Watson (R), Chairperson; Bell (R), Vice Chairperson; Harper (D), Secretary; Crowe (R), Haile (R), Johnson (R), Kyle (D), Summerville (R) and Tate (D).

THURSDAY, JANUARY 13, 2011 -- 3RD ORGANIZATIONAL DAY

JUDICIARY

Beavers (R), Chairperson; Bell (R), Vice Chairperson; Overbey (R), Secretary; Barnes (D), Campfield (R), Ford (D), Kelsey (R), Marrero (D) and Yager (R).

STATE AND LOCAL GOVERNMENT

Yager (R), Chairperson; Tracy (R), Vice Chairperson; Finney (D), Secretary; Campfield (R), Faulk (R), Harper (D), Haynes (D), Ketron (R) and Norris (R).

TRANSPORTATION

Tracy (R), Chairperson; Southerland (R), Vice Chairperson; Yager (D), Secretary; Barnes (D), Beavers (R), Berke (D), Gresham (R), Henry (D) and Ketron (R).

CALENDAR

Faulk (R), Chairperson; Norris (R), Vice Chairperson; and Kyle (D), Secretary.

ETHICS

Woodson (R), Chairperson; Burks (D), Vice Chairperson; Haynes (D), Ketron (R) and Norris (R).

RULES

Norris (R), Chairperson; McNally (R), Vice Chairperson; Henry (D), Secretary; Kelsey (R) and Kyle (D).

MOTION

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 19**.

On motion of Senators Haynes, Herron, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 1**.

On motion of Senators Haynes, Herron and Berke, their names were added as sponsors of **House Joint Resolution No. 2**.

On motion of Senators Haynes, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 3**.

THURSDAY, JANUARY 13, 2011 -- 3RD ORGANIZATIONAL DAY

ENGROSSED BILLS

January 13, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 17, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

January 13, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 12 and 15, concurred in by the House.

JOE MCCORD,
Chief Clerk.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 9:00 a.m., Friday, January 14, 2011, which motion prevailed.